

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No, 22

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JOSEPH C. SHER et al.

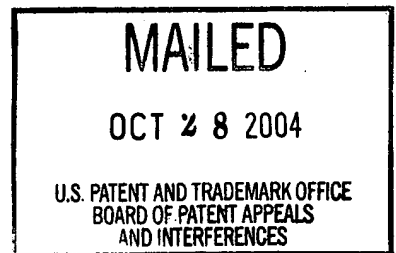
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Appeal No. 2004-0589  
Application 09/989,563

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ORDER VACATING ORAL HEARING  
AND ORDER REMANDING TO EXAMINER

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The Oral Hearing scheduled for November 18, 2004, at 9:00 a.m., Madison Building East, 9th Floor, 600 Delany Street, Alexandria, VA 22314, has been vacated without prejudice.

On October 21, 2004, applicants filed an Amendment (Paper No. 20) and an Information Disclosure Statement (IDS) (Paper No. 21). The Amendment and IDS has now been matched with this application at the Board of Patent Appeals and Interferences. The Amendment needs to be considered by the examiner with respect .

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to compliance with the criteria set forth in 37 CFR §41.33, and the IDS needs to be considered by the examiner with respect to §§ 1.97 and 1.98. A communication notifying applicants of the examiner's decisions on these two papers is required.

Accordingly, it is

ORDERED that the application is remanded to the examiner for consideration of the Amendment and IDS filed on October 21, 2004, appropriate notification to the applicants, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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CRF:llf